

AMENDED IN SENATE MARCH 9, 2006

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE JULY 5, 2005

AMENDED IN SENATE JUNE 27, 2005

AMENDED IN SENATE JUNE 13, 2005

## **Senate Constitutional Amendment**

**No. 3**

**Introduced by Senators Lowenthal and Ashburn**  
**(Coauthors: Senators Alquist, Kehoe, and Soto)**  
*(Coauthors: Assembly Members Leno, Nation, and Wolk)*

December 6, 2004

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Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing and adding ~~Section 1~~ of Article XXI thereof, relating to redistricting.

### LEGISLATIVE COUNSEL'S DIGEST

SCA 3, as amended, Lowenthal. Elections: redistricting.

Existing provisions of the California Constitution require that each ~~Member~~ *member* of the Senate, Assembly, Congress, and the State Board of Equalization be elected from a single-member district.

This measure would require that each of the 40 Senate districts be divided into 2 Assembly districts.

Existing provisions of the California Constitution require the Legislature, in the year following the year in which the federal census is taken at the beginning of each decade, to adjust the boundary lines of the state Senate, Assembly, congressional, and State Board of Equalization districts in accordance with specified standards.

This measure would delete this provision, and would instead create a procedure for the appointment of an independent redistricting commission, composed of 5 members, ~~which~~ *that* would be charged with establishing ~~congressional, Assembly, Senate, Assembly, congressional,~~ and State Board of Equalization districts of equal population in a grid-like pattern across the state, adjusted as necessary to accommodate various goals, as specified.

This measure would provide that certain records of the ~~Commission~~ *redistricting commission* are public records.

This measure would grant the California Supreme Court original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the ~~Commission~~ *commission*, and would authorize an affected elector to file a petition for a writ of mandate or prohibition within 45 days after the ~~Commission~~ *commission* certified the plan to the Secretary of State. The ~~court~~ *California Supreme Court* would be required to act expeditiously on the petition. If the plan is held to be unconstitutional, this measure would require the court to provide relief as it deems appropriate.

This measure would, among other things, require the establishment of a pool of 25 candidates for appointment to the ~~Commission~~ *commission*, as nominated by a panel of 10 retired judges of the Court of Appeal, would require the selection and appointment from this pool of 5 commission members according to a specified procedure, and would provide for the filling vacancies on the commission.

This measure would require the Department of Finance to submit to the Legislature a recommendation for estimated redistricting expenses, to be appropriated by the Legislature by majority vote. It would authorize the commission to contract and to hire staff and consultants, including legal representation, for purposes of this measure. It would provide that commissioners are eligible for reimbursement of expenses pursuant to law.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

- 1     *Resolved by the Senate, the Assembly concurring,* That the
- 2     Legislature of the State of California at its 2005–06 Regular
- 3     Session commencing on the sixth day of December 2004,
- 4     two-thirds of the membership of each house concurring, hereby
- 5     proposes to the people of the State of California that the
- 6     Constitution of the State be amended as follows:

1     ~~First—That Section 1 of Article XXI thereof is repealed.~~

2     ~~Second—That Section 1 is added to Article XXI thereof, to~~  
3 ~~read:~~

4     ~~SECTION 1. (a) Each member of the Senate, Assembly,~~  
5 ~~Congress, and the State Board of Equalization shall be elected~~  
6 ~~from a single-member district. The territory of each Senate~~  
7 ~~district established pursuant to this section shall be divided into~~  
8 ~~two Assembly districts.~~

9     ~~(b) By February 28 of each year ending in the number one, a~~  
10 ~~commission to be known as the Independent Redistricting~~  
11 ~~Commission (the Commission) shall be established to provide for~~  
12 ~~the redistricting of congressional, Assembly, Senate, and State~~  
13 ~~Board of Equalization districts. The Commission shall consist of~~  
14 ~~five members. No more than two members of the Commission~~  
15 ~~may be members of the same political party. Of the four~~  
16 ~~members appointed pursuant to subdivisions (c) and (f), no two~~  
17 ~~or more may reside in the same county. Each member shall be a~~  
18 ~~registered California voter who has been continuously registered~~  
19 ~~with the same political party, or registered as unaffiliated with a~~  
20 ~~political party, for three or more years immediately preceding~~  
21 ~~appointment, and shall commit to applying this section in an~~  
22 ~~honest, independent, and impartial fashion and to upholding~~  
23 ~~public confidence in the integrity of the redistricting process.~~  
24 ~~Within the three years immediately preceding appointment, a~~  
25 ~~member may not have been appointed to, elected to, or have been~~  
26 ~~a candidate for any other public office, and may not have served~~  
27 ~~as an officer of a political party, or served as a registered paid~~  
28 ~~lobbyist or as an officer of a candidate's campaign committee.~~  
29 ~~Legislative and congressional staff and consultants, and~~  
30 ~~contractors to the Legislature, and any person with a financial or~~  
31 ~~family relationship with the Governor, a Member of the~~  
32 ~~Legislature, a Member of Congress, or a member of the State~~  
33 ~~Board of Equalization, are not eligible to serve as members of the~~  
34 ~~commission. A member of the commission shall be ineligible,~~  
35 ~~during his or her term of office, and for three years thereafter, for~~  
36 ~~public office in this State and for registration as a paid lobbyist.~~

37     ~~(c) A panel of 10 retired judges of the Court of Appeal,~~  
38 ~~appointed by the Commission on Judicial Appointments, shall~~  
39 ~~nominate candidates for appointment to the Commission.~~

~~(d) By January 8 of each year ending in the number one, the panel of 10 retired judges of the Court of Appeal shall establish a pool of qualified persons who are willing to serve on the Commission. The pool of candidates shall consist of 25 nominees, with 10 nominees from each of the two largest political parties in California based on party registration, and five who are not registered with either of the two largest political parties in California. The panel of retired judges shall make every effort to ensure that the pool of candidates is representative of both genders and California's racial, ethnic, and cultural diversity.~~

~~(e) Appointments to the Commission shall be made in the order set forth below. No later than January 31 of each year ending in the number one, the Speaker of the Assembly shall make one appointment to the Commission from the pool of nominees, followed by one appointment from the pool made in turn by each of the following: the minority floor leader of the Assembly, the President pro Tempore of the Senate, and the minority leader of the Senate. Each official shall have a seven-day period in which to make an appointment. If the appointment by the Speaker of the Assembly is not made by January 31, or any of the successive appointments is not made within a period of seven days following the deadline for the preceding appointment, that appointment is forfeited and shall be filled pursuant to subdivision (f). In the event that there are two or more minority parties within the Assembly or the Senate, the leader of the largest minority party by statewide party registration shall make the appointment.~~

~~(f) Any vacancy in the four Commission positions described in subdivision (e) that remains as of March 1 of a year ending in the number one shall be filled from the pool of nominees by the panel of retired judges described in subdivision (e). The appointing body shall strive for political balance and fairness in making that appointment.~~

~~(g) At a meeting called by the Secretary of State, the four Commission members appointed pursuant to subdivisions (e) and (f) shall select by majority vote from the nomination pool a fifth member who is not registered with any party already represented on the Commission. If the four members fail to appoint a fifth member within 15 days of that meeting, the panel of retired~~

1 ~~judges described in subdivision (c) shall appoint from the~~  
2 ~~nomination pool a fifth member who is not registered with any~~  
3 ~~party already represented on the Commission. The fifth member,~~  
4 ~~as appointed pursuant to this subdivision, shall serve as~~  
5 ~~chairperson of the Commission.~~

6 ~~(h) The five members of the Commission shall select by~~  
7 ~~majority vote one of their members to serve as vice chairperson.~~

8 ~~(i) After having been served written notice and provided with~~  
9 ~~an opportunity for a response, a member of the Commission may~~  
10 ~~be removed by the Governor, with the concurrence of two-thirds~~  
11 ~~of the Senate, for substantial neglect of duty, gross misconduct in~~  
12 ~~office, or inability to discharge the duties of office.~~

13 ~~(j) If a member of the Commission vacates his or her term of~~  
14 ~~office prior to its completion for any reason, within the first 30~~  
15 ~~days after the vacancy occurs the panel of retired judges~~  
16 ~~described in subdivision (c) shall nominate a pool of three~~  
17 ~~candidates. The nominees shall be of the same political party~~  
18 ~~membership, or independent status, held by the vacating member~~  
19 ~~at the time of his or her appointment. The appointment of the~~  
20 ~~successor member shall be made from the pool of nominees by~~  
21 ~~the person, persons, or entity that, pursuant to subdivision (c), (f),~~  
22 ~~or (g), appointed the member vacating the office, except that a~~  
23 ~~successor appointed pursuant to subdivision (g) under these~~  
24 ~~circumstances is not thereby made the chairperson of the~~  
25 ~~Commission and, in the event of that appointment, a new~~  
26 ~~chairperson shall be appointed by the remaining members. If the~~  
27 ~~appointment of a replacement member is not made within 14~~  
28 ~~days following the presentation of the nominees, the panel of~~  
29 ~~retired judges described in subdivision (c) shall make the~~  
30 ~~appointment, striving for political balance and fairness. The~~  
31 ~~newly appointed member shall serve out the remainder of the~~  
32 ~~original term.~~

33 ~~(k) Three members of the Commission, one of whom is the~~  
34 ~~chairperson or vice chairperson, constitute a quorum. Three or~~  
35 ~~more affirmative votes are required for any official action. The~~  
36 ~~Commission shall conduct business only in meetings open to the~~  
37 ~~public, and shall provide not less than 48 hours' public notice of~~  
38 ~~each meeting. The records of the Commission pertaining to~~  
39 ~~redistricting, and all data considered by the Commission, are~~  
40 ~~public records, open to inspection by members of the public upon~~

1 request, except that the Commission may withhold from public  
2 inspection preliminary drafts, notes, and communications  
3 between members.

4 ~~(l) The Commission shall establish congressional, Assembly,~~  
5 ~~Senate, and State Board of Equalization districts. The mapping~~  
6 ~~process for each of the districts shall consist initially of the~~  
7 ~~creation of districts of equal population in a grid-like pattern~~  
8 ~~across the State. The Commission shall then adjust the grid as~~  
9 ~~necessary to accommodate each of the following goals,~~  
10 ~~prioritized in the order listed:~~

11 ~~(1) Districts shall comply with the United States Constitution~~  
12 ~~and the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971~~  
13 ~~et seq.).~~

14 ~~(2) Congressional, Assembly, Senate, and State Board of~~  
15 ~~Equalization districts shall each have equal population with other~~  
16 ~~districts for the same office, to the extent practicable.~~

17 ~~(3) Districts shall be geographically compact and contiguous~~  
18 ~~to the extent practicable.~~

19 ~~(4) District boundaries shall respect communities of interest to~~  
20 ~~the extent practicable.~~

21 ~~(5) To the extent practicable, district lines shall use visible~~  
22 ~~geographic features, city and county boundaries, and undivided~~  
23 ~~census tracts.~~

24 ~~(6) To the extent practicable, competitive districts should be~~  
25 ~~favored where to do so would create no significant detriment to~~  
26 ~~the other goals listed in this subdivision.~~

27 ~~(m) Party registration and voting history data shall be~~  
28 ~~excluded from the initial phase of the mapping process but may~~  
29 ~~be used to test maps for compliance with subdivision (m). The~~  
30 ~~places of residence of incumbents or candidates may not be~~  
31 ~~identified or considered for purposes of this section.~~

32 ~~(n) The Commission shall display a draft map of~~  
33 ~~congressional, Assembly, Senate, and State Board of~~  
34 ~~Equalization districts to the public for comment, in a manner~~  
35 ~~designed to achieve the widest public dissemination reasonably~~  
36 ~~possible, and public comment shall be taken for at least 30 days~~  
37 ~~from the date of public display. Either the Assembly or the~~  
38 ~~Senate, or both, may act within this period to make~~  
39 ~~recommendations to the Commission by majority or by minority~~  
40 ~~report, which recommendations shall be considered by the~~

1 Commission. The Commission shall then establish final  
2 boundaries for congressional, Assembly, Senate, and State Board  
3 of Equalization districts, and shall certify those districts to the  
4 Secretary of State.

5 (o) This section is self-executing.

6 (p) In each year ending in the number nine, the Department of  
7 Finance or its successor shall submit to the Legislature a  
8 recommendation for an appropriation adequate to meet the  
9 estimated expenses of the subsequent redistricting process  
10 occurring pursuant to this section, and shall make adequate office  
11 space available for the operation of the Commission.  
12 Notwithstanding Section 12 of Article IV, the Legislature shall  
13 make the necessary appropriation by bill passed by rolleall vote  
14 entered in the journal, a majority of the membership of each  
15 house concurring.

16 (q) The Commission, with fiscal oversight from the  
17 Department of Finance or its successor, shall have procurement  
18 and contracting authority and may hire staff and consultants,  
19 exempt from the civil service, for the purposes of this section,  
20 including legal representation.

21 (r) The Commission has standing in legal actions regarding a  
22 redistricting plan and to establish whether funds or other  
23 resources provided for the operation of the Commission are  
24 adequate. The Commission has sole authority to determine  
25 whether the Attorney General or counsel hired or selected by the  
26 Commission shall represent the people of California in the legal  
27 defense of a redistricting plan.

28 (s) The Supreme Court has original and exclusive jurisdiction  
29 in all proceedings in which a plan adopted by the Commission is  
30 challenged. To challenge a redistricting plan, any affected elector  
31 may file a petition for a writ of mandate or writ of prohibition  
32 within 45 days after the Commission has certified the plan to the  
33 Secretary of State to bar the Secretary of State from  
34 implementing the plan on the grounds that the filed plan violates  
35 this Constitution, the United States Constitution, or any federal  
36 statute. The Supreme Court shall act expeditiously on the  
37 petition. If the Supreme Court determines that a redistricting plan  
38 adopted by the Commission violates this Constitution, the United  
39 States Constitution, or any federal statute, the Supreme Court  
40 shall afford such relief as it deems appropriate.

~~(t) Members of the Commission are eligible for reimbursement of personal expenses incurred in connection with the duties performed for the Commission pursuant to law, and a member's residence is deemed to be the member's post of duty for purposes of reimbursement of expenses.~~

~~(u) The term of office of each member of the Commission expires upon the appointment of the first member of the succeeding Commission. The Commission may not meet or incur expenses after the redistricting plan becomes final pursuant to subdivision (o), except with respect to any pending litigation or government approval concerning the plan, to revise districts if required by court order, or if the number of congressional, Assembly, Senate, or State Board of Equalization districts is changed.~~

~~(v) For purposes of this section, "day" means a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.~~

*First—That Article XXI thereof is repealed.*

*Second—That Article XXI is added thereto, to read:*

#### ARTICLE XXI

##### *Reapportionment of Senate, Assembly, Congressional, and State Board of Equalization Districts*

*SECTION 1. (a) Each member of the Senate, Assembly, Congress, and the State Board of Equalization shall be elected from a single-member district. The territory of each Senate district established pursuant to this section shall be divided into two Assembly districts.*

*(b) By February 28 of each year ending in the number one, the Independent Redistricting Commission shall be established to provide for the redistricting of Senate, Assembly, congressional, and State Board of Equalization districts. As used in this article, "commission" means the Independent Redistricting Commission.*

*(c) The commission shall consist of five members and all of the following shall apply:*

*(1) No more than two members of the commission may be members of the same political party.*



1     (2) *Of the four commission members appointed pursuant to*  
2 *subdivisions (b) and (c) of Section 2, no two or more may reside*  
3 *in the same county.*

4     (3) *Each commission member shall be a registered California*  
5 *voter who has been continuously registered with the same*  
6 *political party, or has been registered as unaffiliated with a*  
7 *political party, for three or more years immediately preceding*  
8 *appointment.*

9     (4) *Each commission member shall commit to applying this*  
10 *article in an honest, independent, and impartial fashion and to*  
11 *upholding public confidence in the integrity of the redistricting*  
12 *process.*

13     (d) (1) *Within the three years immediately preceding*  
14 *appointment, a commission member may not have done either of*  
15 *the following:*

16     (A) *Been appointed to, elected to, or have been a candidate for*  
17 *any other public office.*

18     (B) *Served as an officer of a political party, a registered paid*  
19 *lobbyist, or an officer of a candidate's campaign committee.*

20     (2) *Legislative and congressional staff and consultants,*  
21 *persons under a contract with the Legislature, and any person*  
22 *with a financial or family relationship with the Governor, a*  
23 *Member of the Legislature, a Member of Congress, or a member*  
24 *of the State Board of Equalization, are not eligible to serve as*  
25 *members of the commission.*

26     (3) *A member of the commission shall be ineligible, during his*  
27 *or her term of office, and for three years thereafter, to hold*  
28 *public office in this State or to register as a paid lobbyist.*

29     SEC. 2. (a) (1) *A panel of 10 retired judges of the Court of*  
30 *Appeal, appointed by the Judicial Council, shall nominate*  
31 *candidates for appointment to the commission.*

32     (2) *By January 8 of each year ending in the number one, the*  
33 *panel shall establish a pool of qualified persons who are willing*  
34 *to serve on the commission.*

35     (3) *The pool of candidates shall consist of 25 nominees, with*  
36 *10 nominees from each of the two largest political parties in*  
37 *California based on party registration, and 5 who are not*  
38 *registered with either of the two largest political parties in this*  
39 *State.*

1     (4) *The panel shall make every effort to ensure that the pool of*  
2 *candidates is representative of both genders and this State's*  
3 *racial, ethnic, and cultural diversity.*

4     (b) (1) *No later than January 31 of each year ending in the*  
5 *number one, the Speaker of the Assembly shall make one*  
6 *appointment to the commission from the pool of nominees,*  
7 *followed by one appointment from the pool made in turn by each*  
8 *of the following:*

9         (A) *The minority floor leader of the Assembly.*

10        (B) *The President pro Tempore of the Senate.*

11        (C) *The minority floor leader of the Senate.*

12     (2) *Each official shall have a seven-day period in which to*  
13 *make an appointment. If the appointment by the Speaker of the*  
14 *Assembly is not made by January 31, or any of the successive*  
15 *appointments is not made within a period of seven days following*  
16 *the deadline for the preceding appointment, that appointment is*  
17 *forfeited and shall be filled pursuant to subdivision (d). In the*  
18 *event that there are two or more minority parties within the*  
19 *Assembly or the Senate, the leader of the largest minority party*  
20 *by statewide party registration shall make the appointment.*

21     (c) *Any vacancy in the four commission positions described in*  
22 *subdivision (b) that remains as of March 1 of a year ending in*  
23 *the number one shall be filled from the pool of nominees by the*  
24 *panel of retired judges described in subdivision (a). The panel*  
25 *shall strive for political balance and fairness in making that*  
26 *appointment.*

27     (d) *At a meeting called by the Secretary of State, the four*  
28 *commission members appointed pursuant to subdivisions (b) and*  
29 *(c) shall select by majority vote from the nomination pool a fifth*  
30 *member who is not registered with any party already represented*  
31 *on the commission. If the four members fail to appoint a fifth*  
32 *member within 15 days of that meeting, the panel of retired*  
33 *judges described in subdivision (a) shall appoint from the*  
34 *nomination pool a fifth member who is not registered with any*  
35 *party already represented on the commission. The fifth member,*  
36 *as appointed pursuant to this subdivision, shall serve as the chair*  
37 *of the commission.*

38     (e) *The five members of the commission shall select by*  
39 *majority vote one of their members to serve as the vice chair.*

1     (f) *The term of office of each member of the commission*  
2 *expires upon the appointment of the first member of the*  
3 *succeeding commission.*

4     SEC. 3. (a) *After having been served written notice and*  
5 *provided with an opportunity for a response, a member of the*  
6 *commission may be removed by the Governor, with the*  
7 *concurrence of two-thirds of the Senate, for substantial neglect of*  
8 *duty, gross misconduct in office, or inability to discharge the*  
9 *duties of office.*

10    (b) (1) *If a member of the commission vacates his or her*  
11 *office or is removed pursuant to subdivision (a) prior to the*  
12 *completion of his or her term for any reason, the panel of retired*  
13 *judges described in Section 2 shall nominate a pool of three*  
14 *candidates within the first 30 days after the vacancy occurs.*

15    (2) *The nominees shall be of the same political party*  
16 *membership, or nonpartisan status, as the case may be, held by*  
17 *the vacating member at the time of his or her appointment. The*  
18 *appointment of the successor member shall be made from the*  
19 *pool of nominees by the person, persons, or entity that, pursuant*  
20 *to subdivision (b), (c), or (d) of Section 2, appointed the member*  
21 *vacating the office, except that a successor appointed pursuant to*  
22 *subdivision (d) of Section 2 under these circumstances is not*  
23 *thereby made the chair of the commission and, in the event of*  
24 *that appointment, a new chair shall be selected by a majority*  
25 *vote of the remaining members.*

26    (3) *If the appointment of a replacement member is not made*  
27 *within 14 days following the presentation of the nominees, the*  
28 *panel described in Section 2 shall make the appointment, striving*  
29 *for political balance and fairness. The newly appointed member*  
30 *shall serve out the remainder of the original term of the vacating*  
31 *member.*

32    SEC. 4. (a) *The activities of the commission are subject to all*  
33 *of the following:*

34    (1) *Three members of the commission, one of whom may be*  
35 *the chair or vice chair, shall constitute a quorum.*

36    (2) *Three or more affirmative votes shall be required for any*  
37 *official action.*

38    (3) *The commission shall comply with the Bagley-Keene Open*  
39 *Meeting Act (Article 9 (commencing with Section 11120) of*  
40 *Division 3 of Title 2 of the Government Code), or its successor.*

1 *The commission shall provide not less than 14 days' public*  
2 *notice for each meeting.*

3 *(4) The records of the commission pertaining to redistricting,*  
4 *and all data considered by the commission, are public records,*  
5 *open to inspection by members of the public upon request, except*  
6 *that the commission may withhold from public inspection*  
7 *preliminary drafts, notes, and communications between*  
8 *commission members.*

9 *(5) Any written or verbal communication with any commission*  
10 *member outside of a public hearing, other than by staff or by*  
11 *legal counsel, is prohibited as to any matter on which the*  
12 *commission is required to meet pursuant to paragraph (3). This*  
13 *paragraph does not prohibit any communication between*  
14 *commission members that is otherwise permitted by the*  
15 *Bagley-Keene Open Meeting Act or its successor.*

16 *(b) The duties of the commission include all of the following:*

17 *(1) To establish Senate, Assembly, congressional, and State*  
18 *Board of Equalization districts based on a mapping process for*  
19 *each district that shall consist initially of the creation of districts*  
20 *of equal population in a gridlike pattern across the State.*

21 *(2) To adjust the grid established pursuant to paragraph (1) as*  
22 *necessary to accommodate each of the following goals,*  
23 *prioritized according to the following order:*

24 *(A) Districts shall comply with the United States Constitution*  
25 *and the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971*  
26 *and following).*

27 *(B) Senate, Assembly, congressional, and State Board of*  
28 *Equalization districts shall each have equal population with*  
29 *other districts for the same office, to the extent practicable.*

30 *(C) Districts shall be geographically contiguous to the extent*  
31 *practicable.*

32 *(D) District boundaries shall respect communities of interest*  
33 *to the extent practicable.*

34 *(E) To the extent practicable, district lines shall use visible*  
35 *geographic features, city and county boundaries, and undivided*  
36 *census tracts.*

37 *(F) Districts shall be geographically compact to the extent*  
38 *practicable.*

1 (G) To the extent practicable, competitive districts should be  
2 favored where to do so would create no significant detriment to  
3 the other goals listed in this paragraph.

4 (3) Party registration and voting history data shall be  
5 excluded from the initial phase of the mapping process, but may  
6 be used to test maps for compliance with this subdivision. The  
7 places of residence of incumbents or candidates may not be  
8 identified or considered for purposes of this article.

9 (4) The commission shall display a draft map of Senate,  
10 Assembly, congressional, and State Board of Equalization  
11 districts to the public for comment, in a manner designed to  
12 achieve the widest public dissemination reasonably possible, and  
13 public comment shall be taken for at least 30 days from the date  
14 of public display. Either the Senate or the Assembly, or both, may  
15 act within this period to make recommendations to the  
16 commission by majority or by minority report, which  
17 recommendations shall be considered by the commission.

18 (5) The commission shall then establish final boundaries for  
19 Senate, Assembly, congressional, and State Board of  
20 Equalization districts, and shall certify those districts to the  
21 Secretary of State.

22 SEC. 5. (a) In each year ending in the number nine, the  
23 Department of Finance or its successor shall submit to the  
24 Legislature a recommendation for an appropriation adequate to  
25 meet the estimated expenses of the subsequent redistricting  
26 process occurring pursuant to this article, and shall make  
27 adequate office space available for the operation of the  
28 commission. Notwithstanding Section 12 of Article IV, the  
29 Legislature shall make the necessary appropriation by bill  
30 passed by rollcall vote entered in the journal, a majority of the  
31 membership of each house concurring.

32 (b) The commission, with fiscal oversight from the Department  
33 of Finance or its successor, shall have procurement and  
34 contracting authority and may hire staff and consultants, exempt  
35 from the civil service, for the purposes of this article, including  
36 legal representation.

37 (c) The commission has standing in legal actions regarding a  
38 redistricting plan and to establish whether funds or other  
39 resources provided for the operation of the commission are  
40 adequate. The commission has sole authority to determine

1 *whether the Attorney General or legal counsel hired or selected*  
2 *by the commission shall represent the people of California in the*  
3 *legal defense of a redistricting plan.*

4 *(d) (1) The California Supreme Court has original and*  
5 *exclusive jurisdiction in all proceedings in which a redistricting*  
6 *plan adopted by the commission is challenged.*

7 *(2) To challenge a redistricting plan, any affected elector may*  
8 *file a petition for a writ of mandate or writ of prohibition, within*  
9 *45 days after the commission has certified the plan to the*  
10 *Secretary of State, to bar the Secretary of State from*  
11 *implementing the plan on the grounds that the filed plan violates*  
12 *this Constitution, the United States Constitution, or any federal*  
13 *statute.*

14 *(3) The court shall act expeditiously on the petition. If the*  
15 *court determines that a redistricting plan adopted by the*  
16 *commission violates this Constitution, the United States*  
17 *Constitution, or any federal statute, the court shall fashion the*  
18 *relief that it deems appropriate.*

19 *SEC. 6. (a) Members of the commission are eligible for*  
20 *reimbursement of personal expenses incurred in connection with*  
21 *the duties performed for the commission pursuant to law, and a*  
22 *member's residence is deemed to be the member's post of duty*  
23 *for purposes of reimbursement of expenses.*

24 *(b) The commission may not meet or incur expenses after the*  
25 *redistricting plan becomes final pursuant to paragraph (5) of*  
26 *subdivision (b) of Section 4, except with respect to any pending*  
27 *litigation or government approval concerning the plan, to revise*  
28 *districts if required by court order, or if the number of Senate,*  
29 *Assembly, congressional, or State Board of Equalization districts*  
30 *is changed.*

31 *(c) For purposes of this article, "day" means a calendar day,*  
32 *except that if the final day of a period within which an act is to be*  
33 *performed is a Saturday, Sunday, or holiday, the period is*  
34 *extended to the next day that is not a Saturday, Sunday, or*  
35 *holiday.*

36 *(d) This article is self-executing.*